

IN THE PLANNING COMMISSION OF WOODBURN, OREGON

DR 2010-01)
VAR 2010-01) **FINAL ORDER**
)

WHEREAS, a request was made by Ben Altman, SFA Design Group, representing Exxon of Woodburn, LLC, property owner, for a Design Review for a pole sign and a Variance for size and height to replace an existing monument sign with a pole sign, 25 feet high and 125 square feet in area, and;

WHEREAS, the Planning Commission reviewed the matter at the meeting of April 22, 2010 and;

WHEREAS, the Planning Commission considered the written and oral testimony presented by staff and the applicant, and;


WHEREAS, the Planning Commission closed the hearing, and;

WHEREAS, the Planning Commission moved to approve case numbers DR 2010-01 and VAR 2010-01 and instructed staff to prepare findings and conclusions,

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE COMMISSION:

The Planning Commission approves case numbers DR 2010-01 and VAR 2010-01 based on the findings and conclusions contained in Exhibit "A", and subject to the conditions of approval contained in Exhibit "B", which are attached hereto and by reference incorporated herein and which the Planning Commission finds reasonable.

Approved:


Ellen Bandelow, Chairperson

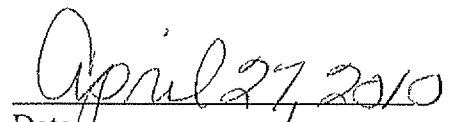

Date

EXHIBIT A

DR 2010-01, VAR 2010-01

Applicable criteria from the Woodburn Development Ordinance are Sections: 1.101, 1.102, 2.101, 2.116, 3.110, 4.101, 4.102, 5.103. Additional relevant criteria are the goals and policies of the Woodburn Comprehensive Plan.

Findings: Design Review for a pole sign is a Type II decision. A Variance is a Type III decision. Under a consolidated review, all applications are processed following the procedures applicable for the highest type decision requested. The Planning Commission is the City's decision-maker for Variances, in accordance with Table 4.1 and WDO 4.101.10.C. The applications are processed concurrently as required by WDO 4.101.02.

Conclusion: The applicant has requested the appropriate decisions.

Findings: Section 2.116 imposes certain restrictions on properties in the Interchange Management Area. The subject property is within the boundary of the IMA. The proposed sign is not a development that will generate more than 20 peak hour vehicle trips. The subject property is not identified in Table 2.116.1. The current case does not request a Comprehensive Plan or Zoning Map Amendment under Section 2.116.07.

Conclusion: The requirements of the Interchange Management Overlay are not implicated in the present case.

Findings: WDO 4.102.09.A.1 provides that an ambiguous term in the WDO may be interpreted in the final decision of a Type III application. The applicant has requested that the subject property be considered a "complex" for the purposes of sign regulation. The maximum allowance for a pole sign on a single-tenant site is 12 feet in height and 32 square feet in area. The maximum allowance for a pole sign on a complex is 15 feet in height and 50 square feet in area. The proposed pole sign is 25 feet high and 125 square feet in area.

Conclusions: The Planning Commission has the statutory authority to interpret the term "complex" in its final decision. The issue is moot because a Variance would be required in either case.

Findings: WDO 3.110.08.A requires that the sign be located in a landscaped area which is of a size equal to at least twice the sign area and planted with landscaping conforming to Section 3.106. The proposed sign is 125 square feet in area – twice the proposed sign area is 250 square feet. Section 3.106.03.A.2.b.1 requires a density of one plant unit per 20 square feet.

Conclusion: The proposed sign requires a planting bed of at least 250 square feet and stocked with at least 12.5 plant units of landscaping to meet the requirements of WDO 3.110.08.A.

Findings: WDO 3.110.08.B requires that the sign be located at least 5 feet from any property line. The site plan shows the sign to be approximately 4 feet from the west property line. The site plan does not call out the distance from the proposed sign to the adjacent property lines.

Conclusion: The proposed sign does not comply with WDO 3.110.08.B.

Findings: WDO 3.110.09 sets forth guidelines that signs should be designed to be visually compatible with the buildings on the site, that the poles be enclosed in a pole cover at least 30 percent of the sign display width, and that the signs appear to be a single unit.

Review of the submittal shows:

- Exhibit B shows the sign to be rectangular as viewed from the side, and oval in cross-section.
- Exhibit C shows the sign to be predominantly blue and silver/grey. It does not show the color of the building.
- Exhibit B shows the sign to be 6'-8¾" wide, supported by two 6" steel tubes – approximately 14.9% of the sign width.
- The proposed sign has a single display face, with no detached elements.

The Commission finds that the depth of the support members and the overall mass of the sign preclude the need for the full 30% pole wrap, and that the proposed 14.9% pole wrap satisfies the intent of the guideline.

Conclusions: The proposed sign may be visually compatible with the buildings on the site, and appears to be a single unit. Guidelines are not mandatory standards. The application may be approved without meeting all of the guidelines.

Findings: WDO 3.110.12.E prohibits signs located in the vision clearance area established by Section 3.103.10. The site plan shows the proposed sign to be located near the intersection of an access easement and Lawson Avenue. The site plan does not call out the distance from the proposed sign to the adjacent property lines.

Conclusions: The proposed sign must comply with WDO 3.110. 12.E. The applicant shall submit a revised site plan demonstrating compliance with WDO 3.110. 12.E and 3.103.10 before issuance of a building permit for the sign.

Findings: WDO 3.110.16.A.1.a and b provide that a pole sign for a lot with street frontage of more than 100 and less than 300 lineal feet of shall not exceed 12 feet in height and 32 square feet in area. The subject property has approximately 200 lineal feet of frontage on Lawson Avenue. The pole sign is proposed to be 25 feet high and 125 square feet in area.

Conclusion: The proposed sign does not comply with WDO 3.110.16.A.1.b. A Variance is required.

Finding: WDO 3.110.16.A.1.a and 3.110.16.A.2.a provide that not more than one pole sign may be established on a single tenant site or complex. A site inspection found no other pole sign on the property.

Conclusion: The proposed sign is not precluded by WDO 3.110.16. A.1.a or 3.110.16.A.2.a.

Findings: WDO 3.110.16.B.1 provides that if a pole sign is placed on a single tenant site or complex, a primary monument sign is not permitted. The submittal shows an existing monument sign for the Super 8 motel. The Planning Commission granted a variance for the Super 8 sign on October 12, 1995 (case VAR 1995-08.)

Conclusion: Because of variance 1995-08, the proposed sign is not precluded by WDO 3.110.16.B.1.

Finding: WDO 3.110.16.H.2 provides that pole signs are processed as a Type II land use application, using the process specified in WDO 3.110.05.C.1.b.

Conclusion: The applicant has submitted a Type II application in accordance with the WDO.

Findings: WDO 3.110.16.H.3 allows internally illuminated signs, provided that the signs do not cause glare. WDO 3.110.03 defines glare as illumination that either directly, or indirectly from reflection, causes illumination on other properties or right of way in excess of a measurement of 0.5 foot candles of light measured at the property line. The submittal did not include a photometric analysis of the sign.

Conclusion: The proposed sign is required to comply with WDO 3.110.16.H.3.

Section 5.103.11.A provides that a variance from dimensional requirements may be granted when strict adherence to the WDO standards is not possible or imposes an excessive burden on the property owner, and when variance to the standards will not unreasonably impact adjacent existing or potential uses or development. Section 5.103.11.C lists five factors to be used as a guide in deliberations on the application:

Section 5.103.11.C.1: The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of the WDO.

Findings: The property is similar in size and shape to other commercial properties in the general vicinity. The property is currently developed.

Section 5.103.11.C.2: Development consistent with the request will not be materially injurious to adjacent properties.

Findings: All the adjacent properties are commercially zoned. Several nearby properties have pole signs. The proposed sign is not anticipated to materially affect adjacent properties.

Section 5.103.11.C.3: Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.

Findings: The proposed sign is not anticipated to affect drainage or other physical or natural systems. There are no dramatic land forms nearby. Burlingham Park, the nearest public park, is over a half mile distant.

Section 5.103.11.C.4: The variance is the minimum deviation necessary to make reasonable economic use of the property.

Finding: Signage is necessary to make reasonable economic use of commercial property.

Section 5.103.11.C.5: The variance does not conflict with the Woodburn Comprehensive Plan.

Findings: The property is zoned Commercial General (CG) and is designated Commercial on the Comprehensive Plan Map. The use of the property commercial. Abutting properties are zoned Commercial General (CG), and are designated Commercial on the Comprehensive Plan Map.

Conclusions: The property is not “unbuildable by application of the WDO.” The proposed variance would not alter existing patterns of traffic or drainage, or other physical or natural systems, or be materially injurious to adjacent properties. The requested variance does not conflict with the Woodburn Comprehensive Plan.

EXHIBIT B
DR 2010-01, VAR 2010-01

Cases DR 2010-01 and VAR 2010-01 are approved subject to the following conditions of approval:

1. The property owner shall execute an acceptance of these conditions on a form provided by the City.
2. The property owner shall develop and maintain the subject property in accordance with all provisions of the WDO, whether or not addressed in the staff review, conditions of approval, or public hearing.
3. The property owner shall submit the plans attached hereto as Exhibits "A" and "B," revised to show conformity with these conditions of approval. The property shall be developed in substantial conformity to those plans.
4. The sign shall be relocated to be at least 5 feet from any property line, in accordance with WDO 3.110.08.B.
5. The applicant shall submit a revised site plan demonstrating compliance with the vision clearance area requirements of WDO 3.110. 12.E and 3.103.10 before issuance of a building permit for the sign.
6. The property owner shall locate the sign in a landscaped area of at least 250 square feet, containing at least 13 plant units of landscaping material, in accordance with WDO 3.110.08.A.

ATTACHMENTS AND EXHIBITS

Attachment "A" Applicant's narrative

Exhibit "A" Site Plan, sheet AS 1.2, date stamped March 4, 2010

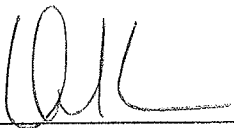
Exhibit "B" Monument Sign Details, sheet SN.1, date stamped March 4, 2010

Exhibit "C" Monument Sign Details, sheet SN.1, submitted electronically on March 15, 2010

Certificate of Mailing – Notice of Decision

I hereby certify that I mailed the Notice of Decision for file numbers DR 2010-01 and VAR 2010-01 to the area property owners whose names appear on Exhibit "A" attached to this certificate. The envelopes were sealed and addressed as noted in Exhibit "A" and were deposited in the United States mail at Woodburn, Oregon with postage thereon prepaid.

I also certify that I mailed the Notice of Decision and the Final Order to the applicant and property owner. The envelopes were sealed and were deposited in the United States mail at Woodburn, Oregon with postage thereon prepaid.



Donald Dolenc
Associate Planner
Department of Economic and Development Services



Date